

THE GENERAL STATUTES OF NORTH CAROLINA

N. C.
Doc.

1974 CUMULATIVE SUPPLEMENT

Indexed, under the Supervision of the Department of Justice,
by the Editorial Staff of the Publishers

UNDER THE DIRECTION OF
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AND D. P. HARRIMAN

Volume 4C

Place in Pocket of Corresponding 1971 Replacement Volume
of Main Set and Discard Previous Supplement

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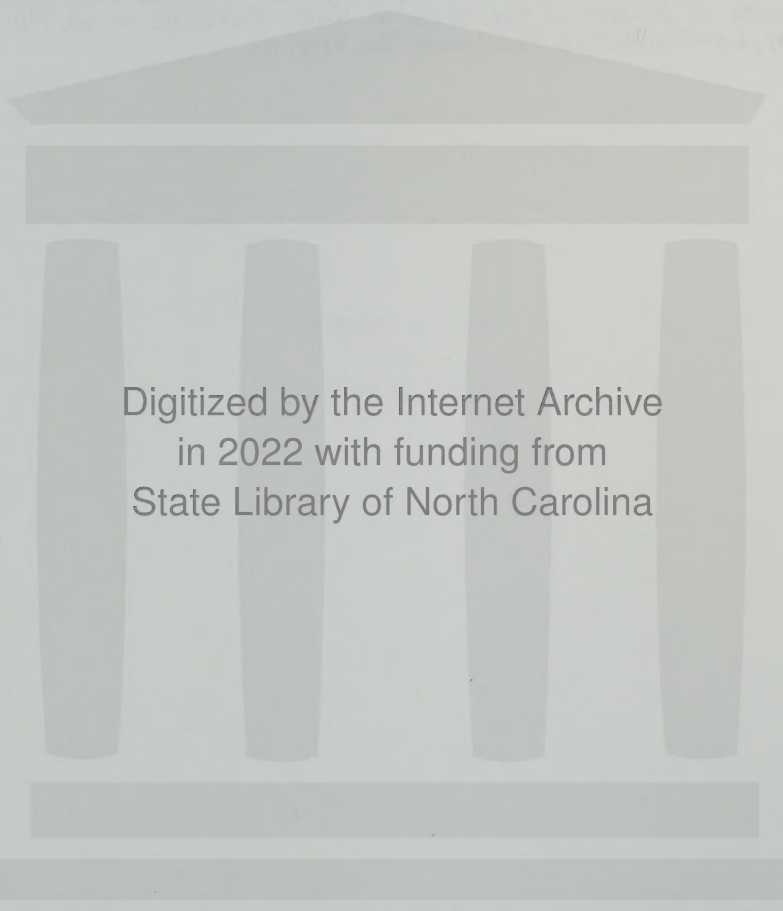
THE MICHIE COMPANY, LAW PUBLISHERS
CHARLOTTESVILLE, VA.
1974

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Preface

This Supplement to Replacement Volume 4C contains the index to the 1973 session laws of a general and permanent nature, including both the first and second sessions of the 1973 General Assembly. It also contains additional or supplementary indexing of earlier provisions, in instances where it was believed that such additional indexing would be helpful.

The members of the North Carolina Bar are requested to communicate any defects they may find in the General Statutes or in this Supplement, and any suggestions they may have for improving the General Statutes, to the Department of Justice of the State of North Carolina, or to The Michie Company, Law Publishers, Charlottesville, Virginia.



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The General Statutes of North Carolina 1974 Cumulative Supplement

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Corporations.

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- Reversionary interests, §105-163.
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- Reports not evidence of doing business in state, §§105-130.21, 105-154.
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- Compensation for personal services of residents taxed elsewhere, §105-151.
- Constitutional provisions, Const. N. C., art. V, §2, (6).
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- Affirmation.
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- Defined, §§105-135, 105-163.1.
- Reports, §105-154.
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Fiscal year.

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- Withholding of income taxes from wages.
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- Foreign country.
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Gain or loss.

- Conversions.
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Gifts.

- Deduction, §105-147, (15), (16).

INCOME TAX—Cont'd**Gifts—Cont'd**

- Determination of gain or loss, §105-144, (a).
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Gross income.

- Adjusted gross income.
- Defined, §105-141.3.
- Annuities, §§105-141, 105-141.1.
- Decedent's estate, §105-142.1.
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Guardian and ward, §§105-152 to 105-154, 105-163.12.**Handicapped persons.**

- Credits.
- Construction of dwelling units for handicapped persons, §105-151.1.
- Corporations, §105-130.22.
- Deductions.
- Individual deduction for removal of architectural barriers to the handicapped, §105-147, (24).
- Exemptions.
- Allowed where parent or guardian provides more than one-half yearly support or severely retarded person, §105-149.

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- Defined, §105-135.

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- Deductions.
- Contributions to nonprofit hospitals, §105-147, (16).

Husband and wife.

- Federal income tax refunds.
- Assets of estate of surviving spouse, §28A-15-7.
- Separate returns, §28A-15-7.
- Returns.
- Joint return prohibited, §105-152.
- Joint returns, §105-152.
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- State income tax refunds.
- Assets of estate to surviving spouse, §28-56.3.

Individual income tax act, §§105-133 to 105-159.**Individuals.**

- Deductions, §105-147.
- Defined, §105-135.
- Withholding of income tax, §§105-163.1 to 105-163.37. See within this heading, "Withholding of income taxes from."

Individuals having only portion of income taxable to state.

- Exemptions, §105-149.

Information.

- At the source, §§105-130.21, 105-154.
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INCOME TAX—Cont'd**Insurance.**

- Accident and health insurance.
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- Dividends from stock in insurance company.
- Deductible portion of dividends, §105-130.7.
- Exemptions for certain companies.
- Conditional and other exemptions, §105-130.11.
- Life insurance, §§105-141, (b), 105-148.
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- Regulations as to gross income, §105-141, (b).

Interest.

- Deductions, §105-147, (5).
- From obligation of the United States or the state of North Carolina or political subdivision not included in gross income, §105-141, (b).
- Gross income, §105-141, (a).
- Annuities, §105-141.1, (h).

Internal revenue code.

- Defined, §105-163.1.

Intestate succession.

- Decedents.
- Income in respect to decedents, §105-142.1.
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- Property acquired by descent, §105-144, (a).
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Inventory, §105-145.**Investments.**

- Real estate investment trust.
- Defined, §105-130.12.
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- Defined, §105-130.12.
- Dividends.
- Deductible portion of dividends, §105-130.7.

Law enforcement officers' benefit and retirement fund.

- Benefits not included in gross income, §105-141, (b).

Life insurance.

- Premiums returned not included in gross income, §105-141, (b).
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Limitation of actions.

- Assessment of corrections and changes, §105-159.
- Withholding of income taxes from wages.
- Refund to employer.
- Limitation on payment, §105-163.9.

Livestock.

- Involuntary conversions, §105-144.1, (c), (d).

INCOME TAX—Cont'd**Lost instruments and records.**

- Involuntary conversions, §105-144.1, (a), (b).

Marketing associations.

- Exemptions.
 - Conditional and other exemptions, §105-130.11.
- Net income.
 - Basis of return of net income, §105-142, (e).

Medicine.

- Deductions for medical care, §105-147, (11).
- Definition of medical care, §105-147, (11).

Military services.

- Compensation received for act of service.
 - Amount not included in gross income, §105-141, (b).
- Disability pay.
 - Amount not included in gross income, §105-141, (b).
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 - Amount not included in gross income, §105-141, (b).

Residents.

- Adjusted sales price defined, §105-144.2, (h).
- Sale of principal residence of taxpayer.
- Retirement or retainer pay.
 - Exclusion from gross income, §105-141, (b).

Mines and minerals.

- Deductions.
 - Depletion, §105-147, (12).

Motor carriers.

- Allocation and apportionment, §105-130.4, (o), (p).
- Vehicle miles.
 - Defined, §105-130.4, (o), (p).

National guard.

- Pension benefits exempt from income tax, §127-30.1.

Net income.

- Basis of return for net income, §105-142.
- Corporations, §105-130.15.
- Change of income year, §105-142, (b).
- Corrections and changes, §105-159.
- Definition, §§105-140, 105-163.1.
- Net taxable income, §105-163.1.
- Estates and trusts.
 - Distributable net income, §105-161, (c).
- Only net incomes are taxed, Const. N. C., art. V, §2, (6).
- Received.
 - Defined, §105-135.

Nonresidents.

- Deductions, §105-147, (18).
- Fiduciaries, §§105-152 to 105-154.
- Tax paid to other states, §105-161, (g).
- Credits, §105-151.
 - Beneficiaries, §105-162, (e).
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INCOME TAX—Cont'd**Nonresidents—Cont'd**

- Withholding of income taxes from wages.
 - Not evidence that such nonresident is doing business in this state, §105-163.2, (h).

Oaths.

- Returns.
 - Affirmation of taxpayer on return, §105-155.
- Withholding of income taxes from wages.
 - Affirmation, §105-163.13.

Oil and gas conservation.

- Deductions.
 - Depletion, §105-147, (12).

Partnership.

- Net income.
 - Basis of return of net income, §105-142, (c).
- Nonresidents.
 - Deductions, §105-147, (18).
- Reports, §105-154.
- Returns.
 - Information at the source, §105-154.

Payment.

- Check.
 - By check, §105-157.
- Installment payment.
 - Foreign corporation, §105-130.15, (c).
- Time and place.
 - Corporations, §105-130.19.
 - Estates and trusts, §105-161, (b), (i).
 - Exceptions as to withholding tax, §105-157.

Person.

- Defined, §105-135.

Presumption and burden of proof.

- Corporations.
 - Appropriate allocation formula reasonably attributes to this state the portion of corporate income earned in the state, §105-130.4, (s).

Privileged communications.

- Returns and reports.
 - Secrecy required of officials, §105-259.

Public utilities.

- Allocation and apportionment, §105-130.4, (s).

Railroads.

- Business income §105-130.4, (m).
- Railway operating revenue.
 - Defined, §105-130.4, (m).

Rate of tax.

- Constitutional provisions, Const. N. C., art. V, §2, (6).
- Corporations, §105-130.3.
- Withholding of income taxes from wages, §105-163.2, (a).

Real estate investment trust.

- Defined, §105-130.12.
- Dividends.
 - Deductible portion of dividends, §105-130.7.

INCOME TAX—Cont'd**Real property.**

Involuntary conversions, §105-144.1, (a), (b).

Sales.

Basis of return of net income, §105-142, (f).

Reciprocity.

Withholding of income taxes from wages, §105-163.22.

Records.

Photographed, photocopied or microphotocopied records of department of revenue.

Destruction of original, §105-259.

Refunds.

Corrections and changes, §105-159.

Corporations, §105-130.20.

Federal income tax refunds.

Payment to surviving spouse, §28A-15-6.

Husband and wife.

Separate returns, §105-163.16.

State income tax refund, §28-56.3.

Payment to surviving spouse, §28-56.3.

State income tax refunds.

Payment to surviving spouse, §28A-15-8.

Withholding taxes, §§105-163.9, 105-163.16, 105-163.33.

Corporations, §105-163.33.

Regulated investment companies, §105-130.12.

Defined, §105-130.12.

Dividends.

Deductible portion of dividends, §105-130.7.

Religious societies.

Clergymen.

Rental value of dwellings and appurtenances furnished.

Not included in gross income, §105-141, (b).

Exemptions.

Conditional and other exemptions, §105-130.11.

Remainders, reversions and executory interests.

Grantor trusts.

Reversionary interests, §105-163.

Reports.

Corporations.

File with secretary of revenue, §105-130.21.

Evidence.

Not evidence of doing business in state, §105-154.

Foreign corporations.

Not evidence of doing business in state, §§105-130.21, 105-154.

Information at the source, §105-154.

Rescue squads.

Deductions.

Contributions to rescue squads, §105-147, (15).

INCOME TAX—Cont'd**Residence.**

Agreements with respect to, §105-240.1.

Members of armed forces.

Sale of principal residence of taxpayer, §105-144.2, (h).

Resident defined, §105-135.

Retirement and pension funds.

Payments not included in gross income, §105-141, (b).

Retirement system for teachers and state employees.

Pensions from other states, §105-141, (b).

Returns.

Affirmation, §105-155.

Basis of return.

Net income, §105-142.

Corrections and changes.

Corporations, §105-130.20.

Estates and trusts, §105-161, (j).

Time of making, §105-159.

Determination of taxable income, §105-152.

Estates and trusts, §105-161, (e).

Fiduciary returns, §105-152.

Filing.

Failure to file.

Effect, §105-156.

Time and place, §105-155.

Corporations, §105-130.17.

Forms furnished by secretary, §105-155.

General provisions, §105-152.

Husband and wife.

Joint return prohibited, §105-152.

Separate returns on single form, §105-152.

Information at the source, §105-154.

Joint returns.

Husband and wife may not file, §105-152.

Partnerships.

Information at the source, §105-154.

Publicity, §105-259.

Required to be made, §105-152.

Secrecy required of officials, §105-259.

Supplementary returns, §105-156.

Corporations, §105-130.18.

Time of making corrections on returns, §105-159.

Rules and regulations.

Withholding tax, §105-163.18.

Sales.

Determination of gain or loss, §105-144, (a).

Installment sales.

Basis for net income, §105-142, (f).

Members of armed forces.

Residence, §105-144.2, (h).

Residence.

Sale of principal residence of taxpayer, §105-144.2.

INCOME TAX—Cont'd**Savings and loan associations.**

- Exemptions.
- Conditional and other exemptions, §105-130.11.

Scholarships.

- Amounts not included in gross income, §105-141, (b).

Seasonal business.

- Withholding of income taxes from wages.
- Payment of amounts withheld, §105-163.6, (c).

Secretary of revenue.

- Determination of taxable income, §105-152.
- Involuntary conversions.
- Administration, §105-144.1, (g).
- Rules and regulations.
- Withholding of income taxes from wages.
- Corporations, §105-163.37.
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Social security.

- Benefits not included in gross income, §105-141, (b).
- Deductions, §105-147, (6).

Societies and clubs.

- Exemptions.
- Conditional and other exemptions, §105-130.11.

Statistics.

- Preparation and publication of statistics, §105-256.
- Publicity, §105-259.

Taxpayer.

- Defined, §105-135.

Time.

- Corrections and changes, §105-159.
- Payment of tax.
- Corporations, §105-130.19.
- Returns.
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Trees and timber.

- Deductions, §105-147, (12).

Trusts and trustees.

- Deductions, §105-147, (20).
- Net income, §105-142, (d).
- Resident beneficiary.
- Credited with tax paid in other states, §105-151.

Unemployment compensation.

- Deductions, §105-147, (6).

United States.

- Coordination with United States and other states.
- Administration and collection of taxes, §§105-268.1 to 105-268.3.
- Disability pay.
- Amount not included in gross income, §105-141, (b).
- Federal employee retirement program.
- Amount not included in gross income, §105-141, (b).

INCOME TAX—Cont'd**United States—Cont'd**

- Federal income tax purposes.
- Corporations filing consolidated returns, §105-130.14.
- Withholding from federal employees, §105-163.23.

Veterans.

- Annuities.
- Retired serviceman's family protection plan, §105-141.1.
- Retirement or retainer pay.
- Exclusion from gross income, §105-141, (b).

Wages.

- Withholding taxes, §§105-163.1 to 105-163.37. See within this heading "Withholding of income taxes from wages."

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Drunkenness.

- Blood tests.
 - Percentage of alcohol in blood, §20-138.
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 - Operation of vehicle by person under influence.
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Driver's license.

- Alcoholics.
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Habitual drunkards.

- Detention, treatment and care of inebriates.
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- Public drunk within a vehicle.
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East Carolina university.

- Traffic and parking regulations, §§116-44.3 to 116-44.5.
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Education.

- See EDUCATION.

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- Traffic and parking regulations, §§116-44.3 to 116-44.5.
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Insurance.

- Departmental hearings upon lapse of liability insurance coverage, §20-316.

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- Defined, §20-279.1.

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- Requirements, §20-279.21.

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Registration.

- Departmental hearings upon lapse of liability insurance coverage, §20-316.

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Registration.**Proof of financial responsibility.**

- Departmental hearings upon lapse of liability insurance coverage, §20-316.

Revocation.

- Departmental hearings upon lapse of liability insurance coverage, §20-316.

Renewal or reinstatement of policy.

- Notification of department, §20-316.1.

Security.

- Exceptions, §§20-279.5, 20-279.6.
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Taxicabs.

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- Driver's license.
 - Permitting unlicensed minor to drive, §20-32.
- Provisional licensee.
 - Defined, §20-13.
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 - Attaching certificates to uninspected vehicles.
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- Charged, §20-183.7.

Uninspected vehicles.

- Attaching certificate thereto.
- Prohibited, §20-183.8.

Violations.

- Not basis for suspension or revocation of operator's or chauffeur's license, §20-16.

Waiver.

- Vehicles inspected in other jurisdictions.
- Waiver by commissioner, §20-183.8.

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- Department may furnish names of insurers, insured and policy numbers to interested parties, §20-166.1.

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- Termination of relationship with agent.
 - Companies to notify commissioner, §58-40.01.

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- Reinsurance facility, §§58-248.26 to 58-248.40. See within this heading, "Reinsurance facility."

Financial responsibility.

- Renewal or reinstatement of policy.
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Financial responsibility act of 1953, §§20-279.1 to 20-279.39. See within this heading, "Financial responsibility."**Insurance companies.****Agents.**

- Termination of relationship with agent.
 - Companies to notify commissioner upon termination, §58-40.01.

Liability insurance.

- Point schedule for conviction, §20-16.
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Transfer of coverage.

- Rate increase for remainder of contract period prohibited, §58-248.10.

North Carolina automobile insurance plan.

- Termination, §58-248.40.

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- Termination of relationship with agent.
 - Companies to notify commissioner, §58-40.01.

Reinsurance facility.

- North Carolina motor vehicle reinsurance facility, §§58-248.26 to 58-248.40. See within this heading, "Reinsurance facility."

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Liability insurance.

- Financial responsibility act of 1953, §§20-279.1 to 20-279.39. See within this heading, "Financial responsibility."
- General provisions. See within this heading, "Insurance."
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Liability insurance rates, §§58-246 to 58-248.10.

- Coverage.
- Transfer of coverage.
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- Transfer of coverage.
- Rate increase for remainder of contract period prohibited, §58-248.10.
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- Automobiles, wholesale supply dealers and service stations, §105-89, (b).
- Dealers and manufacturers, §§20-285 to 20-308. See within this heading, "Dealers and manufacturers."
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- Gasoline tax, §§105-430 to 105-449.01.
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- Motor advertisers, §105-87.
- Revocation or suspension.
- Safety and financial responsibility act of 1953, §§20-279.1 to 20-279.39.
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- Service stations, §105-89, (a).

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- Certificate of title.
- Priority.
- Shown in certificate of title, §20-57.
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Unclaimed vehicles.

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- Used on certain vehicles, §20-130.2.

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- Back-up lights, §20-130.3.
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- Inspection, §20-183.3.
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- Rear lamps.
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- Transportation.
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- Axle load.
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 - Duties as to, §20-96.
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MOTOR VEHICLES—Cont'd**Lotteries.**

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- Death by vehicle.
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- Commitment of mental incompetents and inebriates.
 - Clerk to notify commissioner of motor vehicles of commitment, §20-17.1.
- Driver's license.
 - Revocation of license of mental incompetents, §20-17.1.
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- Actions.
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- Violations.
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Misdemeanor.

- Loads.
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Mileage act.

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Parking.

- Unauthorized vehicles in private lots, §20-219.2.

Permits.

- Special permits for vehicles of excessive size or weight, §20-119.

School buses.

- Failure to stop for bus in certain instances, §20-217.

Serial or engine numbers.

- Altering or changing engine or other numbers, §20-109.
- Possessing vehicle or engine from which serial or engine number removed, §20-108.

Size and weight.

- Operation of vehicle whose gross load, size or width exceeds maximum shown on road signs, §20-116.

Through highways.

- Failure to stop and yield right of way at certain through highways, §20-158.1.

Motor fuels.

- Gasoline tax, §§105-430 to 105-449.01.
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- Highways.
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- Parking.
 - Meters.
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- On-street parking.
 - Regulations, §160A-301.
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 - Abandoned motor vehicle.
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- Junked vehicle.
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- Notice.
 - Registered owner, §160A-303, (c).
 - Exception, §160A-303, (c).
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 - Consent of owner, lessee or occupant of premises, §160A-303, (c).
- Sale.
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- Service stations.
 - Licenses, §105-89, (a).
- Size or weight limitations of vehicles.
 - Alteration by city regulated, §20-115.
- Speed.
 - Regulation of speed, §20-141.
- Tires.
 - Restrictions as to tire equipment, §20-122.

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- Traffic-control devices.
 - Board of transportation.
 - Supervision over traffic-control devices, §20-169.
- Erection and maintenance.
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- Turning at intersections.
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Negligence.

- Signals on starting, stopping or turning.
 - Violation not to constitute negligence per se, §20-154.
- Speed restrictions.
 - Does not relieve plaintiff from the burden of proving negligence, §20-141, (e).
 - Violation of speed restrictions does not constitute negligence per se, §20-141, (b1), (e).

Stopping.**Intersections.**

- Failure to stop not considered contributory negligence per se, §20-158.

Within radius of lights or vision.

- Not in itself considered negligence per se or contributory negligence per se, §20-141, (e).

Yield-right-of-way signs.

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Noise.

- Prevention of, §20-128.

Nonoperators.

- Identification cards for nonoperators, §20-37.7.

Nonresidents.**Arrest.**

- Reciprocal provisions as to arrest of nonresidents, §§20-4.18 to 20-4.20.
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North Carolina agricultural and technical state university.

- Traffic and parking regulations, §§116-44.3 to 116-44.5.
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North Carolina central university.

- Traffic and parking regulations, §§116-44.3 to 116-44.5.
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- Traffic and parking regulations, §§116-44.3 to 116-44.5.
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Notice.

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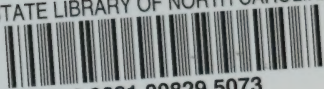
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